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October 5, 2012

Magistrate Judge Lisa Margaret Smith
United States District Court Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150

Re: Jimmy Barberan and Tatsiana Barberan, *pro se* v. Nationpoint, *et al.*;
LaSalle Bank National Association v. Barberan, *et al.*
Civil Case No. 07 Civ. 11595 (KMK) (LMS)

Dear Judge Smith:

We are counsel to Defendants in the above-referenced matter. We write to Your Honor concerning Plaintiffs' filing on September 21, 2012 of a "Notice of Non-Response to Plaintiffs' Identification of New Document Production Requests" (the "Notice of Non-Response").

On or about August 13, 2012, pursuant to Your Honor's Order, Plaintiffs served an Identification of New Document Production Requests, to which a response was required by September 12, 2012. On September 4, 2012 I personally called the Plaintiffs and requested an additional thirty (30) days to produce the Defendants' responses to Plaintiffs' 160 newly identified document requests. Thereafter, on September 5, 2012, Plaintiff Jimmy Barberan called my office and left a voice mail stating that he and his wife Tatsiana "have no problem with that." My office retained a copy of Mr. Barberan's voice mail message, which can be provided to the Court if so desired.

Despite their consent to extend Defendants' time to respond, on September 21, 2012 Plaintiffs filed their Notice of Non-Response. After receiving the Notice of Non-Response, I spoke with the Plaintiffs on October 2, 2012, reminded them of their agreement to extend the time for Defendants to respond, and informed them that the Defendants will serve their responses to Plaintiffs' 160 newly identified document requests, in accordance with the parties' agreement, on or before October 12, 2012.

In view of the foregoing, we do not believe there is any need for the Court's intervention at this time.

Respectfully submitted,



Othiamba Lovelace

cc: Jimmy and Tatsiana Barberan (via overnight courier)